

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-51064
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ANTONIO CAMPOS-GONZALEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-97-CR-421-ALL
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Juan Antonio Campos-Gonzalez appeals his sentence for reentry after deportation in violation of 8 U.S.C. § 1326. Campos-Gonzalez argues that he was charged with and pleaded guilty to simple reentry under § 1326(a) and that he could not be sentenced under § 1326(b) because the indictment did not allege that he had a prior aggravated felony conviction. His argument is foreclosed by the Supreme Court's decision in Almendarez-Torres v. United States, ___ U.S. ___, 1998 WL 126904, at *3, *8 (U.S. Mar. 24, 1998).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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AFFIRMED.